

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

MOHANAD L. ISSA,

Petitioner,

v.

Case No. 07-14576

VINCENT L. CLAUSEN, Field Office  
Director, U.S. Immigration and Customs  
Enforcement,

Honorable Arthur J. Tarnow  
United States District Judge

Respondent.

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**ORDER DISMISSING PETITION FOR WRIT OF HABEAS CORPUS [1]**

Before the Court is Issa's Petition for a Writ of Habeas Corpus and Request for Expedited Release from Detention, filed on October 26, 2007, and the government's Response, filed on October 29, 2007.

On October 26, 2007, the Court held a conference in chambers on petitioner's request for immediate injunctive relief. So that the government could respond to the petition, the Court set a hearing for October 29, 2007. The Court ordered that ICE release the petitioner on bond until the hearing.

Arguing that his pending application for adjustment of status should be decided before he is removed, Issa's petition challenges an administrative order of removal that was entered because petitioner overstayed his visit under the Visa Waiver Program. 8 U.S.C. § 1187(b); 8 C.F.R. § 217.4(b).

But the district court does not have subject-matter jurisdiction over this habeas petition. *Hernandez v. Gonzales*, 424 F.3d 42 (1st Cir. 2005) (citing 8 U.S.C. § 1252(a)(5)); *see also*

*Kellici v. Gonzales*, 472 F.3d 416, 418 (6th Cir. 2006). Nor can the Court transfer the case.  
*Chen v. Gonzales*, 435 F.3d 788, 790 (7th Cir.2006).

Accordingly, the petition is DISMISSED, and the order releasing petitioner on bond is also REVOKED.

**IT IS SO ORDERED.**

S/ARTHUR J. TARNOW  
Arthur J. Tarnow  
United States District Judge

Dated: October 29, 2007

I hereby certify that a copy of the foregoing document was served upon counsel of record on October 29, 2007, by electronic and/or ordinary mail.

S/THERESA E. TAYLOR  
Case Manager